

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

LINDA FAIRSTEIN,)
)
Plaintiff,)
)
)
v.)
)
NETFLIX, INC., AVA DUVERNAY, and)
ATTICA LOCKE,)
)
Defendants.)

**DECLARATION OF AVA DUVERNAY IN OPPOSITION TO
PLAINTIFF'S MOTION FOR SANCTIONS**

I, Ava DuVernay, declare as follows:

1. I submit this declaration in support of Defendants' Opposition to Plaintiff's Motion for Sanctions. I am familiar with the facts herein and make this declaration from my own personal knowledge.

2. I created and directed *When They See Us* (the "Series"). I was also one of multiple writers for the Series.

3. As described at greater length in my previous declaration (*see* Dkt. 149, ¶¶ 28-43), the writers for the Series had a huge amount of research material. Among those materials were several published books, including: (i) *Unequal Verdicts: The Central Park Jogger Trials* by Timothy Sullivan; (ii) *The Central Park Five: The Untold Story of One of New York City's Most Infamous Crimes* by Sarah Burns; (iii) *Savage Portrayals: Race, Media, & the Central Park Jogger Story* by Natalie Byfield; and (iv) *And the Blood Cried Out: A Prosecutor's Spellbinding Account of DNA's Power to Free or Convict* by Harlan Levy.

4. I had copies of those books while researching the Series, and I knew the other writers had copies as well.

5. I did not make notations or other markings on my copies of the books at any point in time.

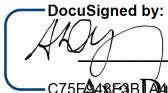
6. I do not have a general practice of taking notes in the margins of books.

7. It was my general understanding that multiple copies of the books existed and would be kept. But I did not personally keep track of my copies of the books, and I am not sure what happened to them.

8. I am confident that I never told anyone to get rid of my copies of the books. My copies of the books would be the same as copies that are publicly available today. Since there was nothing unique about the copies of the books I used, it never occurred to me that they would be of separate significance in any way.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 1, 2023

DocuSigned by:

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